



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

March 21, 2019

**BY ECF**

The Honorable Vernon S. Broderick  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: United States v. Christopher Collins, et al., 18 Cr. 567 (VSB)**

Dear Judge Broderick:

The Government respectfully writes to provide a factual update to the memorandum that it filed on March 8, 2019 in opposition to the defendants' pretrial motions in the above-captioned case (the "Opposition Brief"). In its Opposition Brief, the Government noted that "following the filing of the defendants' [pretrial] motion[s], the SEC informed the Government that the SEC has not withheld any materials from discovery in the civil action pursuant to the Civil Discovery Carve-Out." (Opposition Br. at 22.) The Civil Discovery Carve-Out excepts from production in the civil action, as relevant here, "notes of or memoranda describing interviews with; written statements made or adopted in the course of an interview by; or correspondence concerning interviews of any person whom the Government designates to the SEC as an individual who may be called as a witness in the Criminal Action." (Opposition Br. at 3.)

On March 18, the SEC made the Government aware of certain notes taken by SEC attorneys reflecting conversations between those attorneys and various individuals (the "Notes"). On March 19, at the Government's request, the SEC provided the Notes to the Government. After reviewing the Notes, the Government determined that they reflected interviews with individuals or agents for individuals who may be called as witnesses at the criminal trial, and thus fell within the Civil Discovery Carve-Out. Pursuant to the Civil Discovery Carve-Out, the SEC is withholding the Notes from production in the civil action at the present time. The Government

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intends to promptly review the Notes for any potential *Brady* material and will comply with its discovery obligations in the criminal case under Rule 16 and 18 U.S.C. § 3500.

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

By: /s/  
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cc: All defense counsel (by ECF)